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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/696,100	10/25/2000	John Vanelli		4133

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EXAMINER

GILLIGAN, CHRISTOPHER L

ART UNIT

PAPER NUMBER

3626

DATE MAILED: 06/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/696,100	VANELLI, JOHN	
	<b>Examiner</b>	<b>Art Unit</b>	
	Luke Gilligan	3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 25 October 2000.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-32 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                     | Paper No(s)/Mail Date. _____ .  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

Claims 1-32 have been examined.

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 3, 16, and 23-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claim 3 recites the limitation "the magnetic strip" in line 5. There is insufficient antecedent basis for this limitation in the claim. Claim 1, from which claim 3 depends, does not recite "a magnetic strip." Since claim 2 does recite "a magnetic strip," for examination purposes, it will be assumed that claim 3 should depend on claim 2.

4. Claim 16 recites the limitation "said communication interface" in line 2. There is insufficient antecedent basis for this limitation in the claim. For examination purposes, it will be assumed that this limitation should recite "said communication link."

5. Claims 23-25 recite the limitation "said remote central database." There is insufficient antecedent basis for this limitation in the claim. For examination purposes, it will be assumed that these claims should depend from claim 21. In addition, claim 26 is dependent on claim 25 and, as such, is rejected for the same reason.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claim 20 is rejected under 35 U.S.C. 102(e) as being anticipated by Goetz et al., U.S. Patent No. 6,421,650.

8. As per claim 20, Goetz teaches an apparatus for processing medical information of a patient, comprising: a housing having a slot for receiving a card having a memory (see column 5, lines 36-41); a display screen located on said housing (see column 5, lines 42-43); a processor coupled to said display screen (see column 5, lines 36-43); a keypad located on said housing for entering a patient identification number (see column 9, lines 49-58); a plurality of keys located on said housing, each of said plurality of keys to provide direct access of a category of medical information related to said patient (see column 9, lines 49-58); wherein said processor accesses said memory to display a selected category of medical information in response to selection of a corresponding key (see column 9, line 59 – column 10, line 9).

#### ***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1, 4-19, and 21-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goetz et al., U.S. Patent No. 6,421,650 in view of Bessette U.S. Patent No. 6,263,330.

11. As per claim 1, Goetz teaches a system to process medical information, comprising: a patient identification card, said card includes at least one memory to store said patient's information onto said memory of said patient identification card (see column 4, lines 25-34); a card reader and writer that receives said patient identification card, said card reader and writer to access said memory to provide access to said patient's medical information located on memory of said patient identification card, said card reader and writer having a display screen and a plurality of keys, each of said plurality of keys to provide direct access to said patient's medical information (see column 5, lines 36-41); a communications link (see Figure 1, in particular links connecting each component). Goetz does not explicitly teach a remote central database and a circuit coupled to said database as claimed.

12. Bessette teaches a smart card based system for management of patient records including a remote central database to be accessed by a card reader and writer and said patient identification card via a communications link, said remote central database to receive and process collective patient medical information related to said patient (see column 16, lines 30-42); at least one circuit coupled to said remote central database via a communications link, said circuit to receive and process current medical information related to said patient, said current medical information being provided to said remote central database (see column 16, lines 40-49); and wherein said card reader and writer further provides access to said current medical information and said collective medical information located on said remote central database (see column 16, lines 40-49). It would have been obvious to one of ordinary skill in the art of patient record management at the time of the invention to incorporate these features into the system of Goetz. One of ordinary skill in the art would have been motivated to incorporate these features for the purpose of providing broader access to medical files in an enlarged health network (see column 3, lines 26-32 of Bessette).

13. As per claim 4, Goetz in view of Bessette teach the system of claim 1 as described above. Goetz further teaches said card reader and writer further comprises a keypad for entering said patient's account number (see column 9, line 59 – column 10, lines 9).
14. As per claim 5, Goetz in view of Bessette teach the system of claim 1 as described above. Goetz further teaches one of said plurality of keys provides direct access to a patient allergy information (see column 10, lines 10-16 and Figure 10).
15. As per claim 6, Goetz in view of Bessette teach the system of claim 1 as described above. Goetz further teaches one of said plurality of keys provides direct access to said patient's personal information (see column 10, lines 23-27).
16. As per claim 7, Goetz in view of Bessette teach the system of claim 1 as described above. Goetz further teaches one of said plurality of keys provides direct access to said patient's current medication information (see column 10, lines 1-3).
17. As per claim 8, Goetz in view of Bessette teach the system of claim 1 as described above. Goetz further teaches one of said plurality of keys provides direct access to said patient's surgical procedure information (see column 5, lines 52-55).
18. As per claim 9, Goetz in view of Bessette teach the system of claim 1 as described above. Goetz further teaches one of said plurality of keys provides direct access to said patient's diagnosis information (see column 9, line 59 – column 10, lines 9).
19. As per claim 10, Goetz in view of Bessette teach the system of claim 1 as described above. Goetz further teaches one of said plurality of keys provides direct access to said patient's emergency contact information (see column 10, lines 23-27).
20. As per claim 11, Goetz in view of Bessette teach the system of claim 1 as described above. Goetz further teaches one of said plurality of keys provides direct access to said patient's insurance information (see column 14, lines 35-37).

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21. As per claim 12, Goetz in view of Bessette teach the system of claim 1 as described above. Goetz further teaches one of said plurality of keys provides direct access to said patient's immunization information (see column 10, lines 10-16).
22. As per claim 13, Goetz in view of Bessette teach the system of claim 1 as described above. Goetz further teaches one of said plurality of keys provides direct access to said patient's healthcare provider information (see column 6, lines 37-40).
23. As per claim 14, Goetz in view of Bessette teach the system of claim 1 as described above. Goetz further teaches one of said plurality of keys provides direct access to said patient's medical history information (see column 10, lines 10-22).
24. As per claim 15, Goetz in view of Bessette teach the system of claim 1 as described above. Goetz further teaches one of said plurality of keys provides direct access to said patient's medical information summary (see column 10, lines 10-22).
25. As per claim 16, Goetz in view of Bessette teach the system of claim 1 as described above. Goetz further teaches said communication link comprises a modem (see column 8, lines 62-65).
26. As per claim 17, Goetz in view of Bessette teach the system of claim 1 as described above. Goetz further teaches said card reader and writer further comprises a circuit to receive voice instructions (see column 8, lines 47-49).
27. As per claim 18, Goetz in view of Bessette teach the system of claim 1 as described above. Goetz further teaches said card reader and writer has a speech recognition circuit (see column 8, lines 47-49).
28. As per claim 19, Goetz in view of Bessette teach the system of claim 1 as described above. Goetz further teaches said communication link is the internet (see column 12, lines 56-59).

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29. As per claim 21, Goetz teaches the apparatus of claim 20 as described above. Goetz does not explicitly teach coupling said processor to a remote central database to store current and additional medical information of said patient. Bessette teaches coupling a processor to a remote central database to store current and additional medical information of a patient (see column 16, lines 30-42). It would have been obvious to one of ordinary skill in the art of patient record management at the time of the invention to incorporate these features into the system of Goetz. One of ordinary skill in the art would have been motivated to incorporate these features for the purpose of providing broader access to medical files in an enlarged health network (see column 3, lines 26-32 of Bessette).

30. As per claim 22, Goetz in view of Bessette teach the apparatus of claim 21 as described above. Goetz further teaches said communication link is the internet (see column 12, lines 56-59).

31. As per claim 23, Goetz in view of Bessette teach the apparatus of claim 21 as described above. Goetz further teaches accessing information in response to selection of a corresponding key (see column 9, lines 49-58). Goetz does not explicitly teach accessing a remote central database. Bessette teaches accessing a remote central database (see column 16, lines 30-42). It would have been obvious to one of ordinary skill in the art of patient record management at the time of the invention to incorporate this feature into the system of Goetz for the reasons given above with respect to claim 21.

32. As per claim 24, Goetz in view of Bessette teach the apparatus of claim 21 as described above. Goetz further teaches accessing information upon receipt and validation of said card (see column 5, lines 36-51). Goetz does not explicitly teach accessing a remote central database. Bessette teaches accessing a remote central database (see column 16, lines 30-42). It would have been obvious to one of ordinary skill in the art of patient record management at

the time of the invention to incorporate this feature into the system of Goetz for the reasons given above with respect to claim 21.

33. As per claim 25, Goetz in view of Bessette teach the apparatus of claim 21 as described above. Goetz further teaches a plurality of remote users updating said medical information of said patient (see column 8, lines 62-65). Goetz does not explicitly teach accessing a remote central database. Bessette teaches accessing a remote central database (see column 16, lines 30-42). It would have been obvious to one of ordinary skill in the art of patient record management at the time of the invention to incorporate this feature into the system of Goetz for the reasons given above with respect to claim 21.

34. As per claim 26, Goetz in view of Bessette teach the apparatus of claim 25 as described above. Goetz further teaches said plurality of remote users comprises at least one of: a hospital, a physician, a pharmacy, a paramedic, an insurance company and said patient (see column 8, lines 62-65).

35. As per claim 27, Goetz in view of Bessette teach the apparatus of claim 25 as described above. Goetz further teaches said plurality of keys comprises at least one of: a personal information key, an emergency contact key, an insurance information key, an allergies information key, a medication information key, a surgery key, and an immunization key (see column 10, lines 10-22).

36. Claims 28-31 contain substantially similar process limitations to system claim 1 and, as such, are rejected for similar reasons as given above.

37. As per claim 32, Goetz in view of Bessette teach the process of claim 31 as described above. Goetz further teaches a plurality of remote users comprises at least one of a hospital, a physician, a pharmacy, a paramedic, an insurance company and said patient (see column 8, lines 62-65).

38. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goetz et al., U.S. Patent No. 6,421,650 in view of Bessette U.S. Patent No. 6,263,330 and further in view of Feinberg, U.S. Patent No. 6,082,776.

39. As per claim 2, Goetz in view of Bessette teach the system of claim 1 as described above. Goetz does not explicitly teach including a magnetic strip on the back of said patient identification card. Feinberg teaches a patient identification card that includes a magnetic strip (see column 7, lines 9-12). It would have been obvious to one of ordinary skill in the art of patient record management at the time of the invention to include this feature in the system of Goetz. One of ordinary skill in the art would have been motivated to incorporate this feature for the purpose of enhancing the range of computer readable media that stores patient information for customer preferences.

40. As per claim 3, Goetz in view of Bessette and Feinberg teach the system of claim 2 as described above. Goetz further teaches said card reader and writer has a slot for receiving said patient identification card (see column 5, lines 36-41).

### ***Conclusion***

41. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Rost teaches a system for maintaining personal identification cards for authorizing access to personal information.

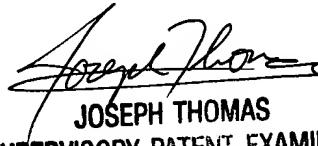
42. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luke Gilligan whose telephone number is (703) 308-6104. The examiner can normally be reached on Monday-Friday 8am-5:30pm.

43. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (703) 305-9588. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

44. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



CLG  
6/14/04



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